

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII  
THE ESTATE OF ERIK A. POWELL, ) Civil No.  
THROUGH PERSONAL REPRESENTATIVE ) CV04-00428LEK  
MARY K. POWELL; THE ESTATE OF )  
JAMES D. LAUGHLIN, THROUGH PERSONAL )  
REPRESENTATIVE RAGINAE C. LAUGHLIN; )  
MARY K. POWELL, INDIVIDUALLY; )  
RAGINAE C. LAUGHLIN, INDIVIDUALLY; )  
CHLOE LAUGHLIN, A MINOR, THROUGH )  
HER NEXT FRIEND, RAGINAE C. )  
LAUGHLIN, )  
Plaintiffs, )  
vs. )  
CITY AND COUNTY OF HONOLULU, )  
Defendant, )  
and )  
CITY AND COUNTY OF HONOLULU, )  
Third-Party Plaintiff, )  
vs. )  
UNIVERSITY OF HAWAII, a body )  
corporate; JOHN DOES 1-10, JANE )  
DOES 1-10; DOE CORPORATIONS and )  
DOE ENTITIES, )  
Third-Party Defendants. )

DEPOSITION OF DANIEL NEVES  
Taken on behalf of Plaintiffs at the Law Offices  
of Ian L. Mattoch, 737 Bishop Street, Suite 1835,  
Honolulu Hawaii, commencing at 2:00 p.m. on March  
24, 2006, pursuant to Notice.

Before: WILLIAM T. BARTON, RPR, CSR NO. 391

**EXHIBIT** "24"

Page 46

Page 48

1 debriefing process?  
2 A. As a contract?  
3 Q. Just in general, for the lifeguards.  
4 A. No way.  
5 Q. No?  
6 A. No contract gets debriefed.  
7 Q. What about the full-time, if you know?  
8 A. I'm not sure. But I'll -- because I  
9 stayed with C-Mo the whole time. He just didn't  
10 want to talk with them.  
11 Q. With?  
12 A. With the superiors. We just tell them,  
13 Yeah, whatever, bye.  
14 Q. You mean if the superiors wanted there  
15 to be a review, Clarence Moses would say, Ignore  
16 it?  
17 A. Yeah, whatever. Yeah.  
18 Q. What changes or rules or new rules were  
19 instituted after these drownings, if you know?  
20 A. Well, the walkie-talkies.  
21 Q. What changed?  
22 A. There was more of them.  
23 Q. At the time of these drownings, how many  
24 were there?  
25 A. I believe there was two in each tower.

1 separate relief person?  
2 A. After the drownings, yes. There was a  
3 patrol person, I should say.  
4 Q. And that person would relieve you guys?  
5 A. Yes, yes.  
6 Q. Did they also increase the number of  
7 guards within each tower?  
8 A. That were there all throughout the day,  
9 yes.  
10 Q. To what?  
11 A. Because most of the time, you only had  
12 one person, or sometimes two in the tower, because  
13 of breaks and so forth. And we'd get -- we get an  
14 hour break for exercise. We get an hour break for  
15 eating, you know. That's four hours right there,  
16 half a day from just two people. So half the  
17 time, you're in the tower by yourself.  
18 Q. So then there was an added person to  
19 each tower?  
20 A. Correct.  
21 Q. What else was different?  
22 A. They started putting up signs.  
23 Q. Where?  
24 A. On the top.  
25 Q. Top of the hill?

Page 47

Page 49

1 Q. And then after the accident, the  
2 drownings?  
3 A. Three.  
4 Q. Three in each tower? Yes?  
5 A. Yes.  
6 Q. Anything else changed?  
7 A. Manpower.  
8 Q. In what way?  
9 A. We got our own individual relief people.  
10 We also had a patrol person. We added another  
11 person that walked the ledges, and made sure  
12 everybody's okay.  
13 That was one of the things that the  
14 chief said okay to. And the rest he denied.  
15 Q. When you say relief for each person,  
16 prior to these two drownings, what was the relief  
17 situation?  
18 A. Backup from 3 Bravo or 3 Alpha.  
19 Q. At the time of these two drownings,  
20 there were two lifeguards in each tower; is that  
21 right?  
22 A. Correct.  
23 Q. And you relieved each other?  
24 A. Correct.  
25 Q. And then afterwards, there was a

1 A. Yes. Everything started changing.  
2 Q. You had mentioned earlier that the gate,  
3 on the date of these drownings, that would close  
4 off Witches Brew's ledge -- I mean the ledge that  
5 leads to Witches Brew was a nylon --  
6 A. Yes, but you could easily walk around  
7 it.  
8 Q. Can you explain what the nylon fence or  
9 gate looked like?  
10 A. It was, I believe it's green with just a  
11 regular peel.  
12 MS. WATERS: It's 3:00. Did you want  
13 to --  
14 MR. MAYESHIRO: Whenever you're at a  
15 convenient breaking point.  
16 BY MS. WATERS:  
17 Q. So radios, staffing. There was a guy  
18 who was --  
19 A. We had an eagle's nest now, we call it  
20 an eagle's nest. C-Mo, what he is doing now. He  
21 stays on top, where -- the Education Center is up  
22 top, and he scans for people that are going out  
23 too far for distance and so forth, to let the  
24 lifeguards at the bottom know where they are  
25 going.